



February 8, 2008

ENGROSSED HOUSE BILL No. 1144

DIGEST OF HB 1144 (Updated February 5, 2008 11:54 am - DI 106)

Citations Affected: IC 35-45; noncode.

Synopsis: Failure to report a dead body. A person who discovers or has custody of the body of a deceased person and who knowingly or intentionally fails to report the dead body to a public safety officer, coroner, physician, or 911 telephone call center within three hours of finding the body, when it appears the deceased person died by violence, suicide, accident, or under certain other suspicious or unusual circumstances, commits failure to report a dead body, a Class A misdemeanor. Provides that the reporting requirement does not supersede any law governing the reporting of a death by a hospital, health care facility, or provider.

Effective: July 1, 2008.

Pelath, Goodin, Stutzman

(SENATE SPONSORS — STEELE, ARNOLD)

January 8, 2008, read first time and referred to Committee on Family, Children and Human Affairs.

January 24, 2008, amended, reported — Do Pass.

January 28, 2008, read second time, amended, ordered engrossed.

January 29, 2008, engrossed. Read third time, passed. Yeas 93, nays 0.

SENATE ACTION

January 29, 2008, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

February 7, 2008, amended, reported favorably — Do Pass.

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EH 1144—LS 6642/DI 69+



February 8, 2008

Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1144

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-45-19 IS ADDED TO THE INDIANA CODE
2 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2008]:

4 **Chapter 19. Failure to Report a Dead Body**

5 **Sec. 1. This chapter does not:**

6 (1) apply to the driver of a vehicle involved in an accident
7 that:

8 (A) results in the death of a person; and

9 (B) must be reported under IC 9-26-1-1; or

10 (2) supersede any law governing the reporting of a death by
11 a hospital, health care facility, or provider.

12 **Sec. 2. As used in this chapter, "public safety officer" means:**

13 (1) a law enforcement officer;

14 (2) a correctional officer;

15 (3) a state university police officer;

16 (4) a firefighter;

17 (5) an emergency medical technician; or

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(6) a paramedic.

Sec. 3. A person who:

(1) discovers or has custody of the body of a deceased person when it appears the deceased person died:

(A) by violence, suicide, or accident;

(B) suddenly, while in apparent good health;

(C) while unattended;

(D) from poisoning or an overdose of drugs;

(E) as the result of a disease that may constitute a threat to public health;

(F) as the result of:

(i) a disease;

(ii) an injury;

(iii) a toxic effect; or

(iv) unusual exertion;

incurred within the scope of the deceased person's employment;

(G) due to sudden infant death syndrome;

(H) as the result of a diagnostic or therapeutic procedure; or

(I) under any other suspicious or unusual circumstances; and

(2) knowingly or intentionally fails to report the body of the deceased person to a:

(A) public safety officer;

(B) coroner;

(C) physician; or

(D) 911 telephone call center;

within three (3) hours after finding the body;

commits failure to report a dead body, a Class A misdemeanor.

SECTION 2. [EFFECTIVE JULY 1, 2008] IC 35-45-19-3, as added by this act, applies only to offenses committed after June 30, 2008.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred House Bill 1144, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 23, delete "or".

Page 2, line 24, after "physician;" insert "**or
(D) 911 telephone call center;**".

and when so amended that said bill do pass.

(Reference is to HB 1144 as introduced.)

SUMMERS, Chair

Committee Vote: yeas 9, nays 0.

HOUSE MOTION

Mr. Speaker: I move that House Bill 1144 be amended to read as follows:

Page 2, between lines 25 and 26, begin a new line block indented and insert:

"within three (3) hours after finding the body;".

(Reference is to HB 1144 as printed January 25, 2008.)

STUTZMAN

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred House Bill No. 1144, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 5, after "not" insert ":

(1)".

Page 1, line 7, delete "(1)" begin a new line double block indented and insert "**(A)".**

Page 1, line 8, delete "(2)" begin a new line double block indented and insert "**(B)".**

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Page 1, line 8, delete "." and insert "; or

**(2) supersede any law governing the reporting of a death by
a hospital, health care facility, or provider."**

Page 2, line 3, delete "by sudden death" and insert "**suddenly**".

and when so amended that said bill do pass.

(Reference is to HB 1144 as reprinted January 29, 2008.)

STEELE, Chairperson

Committee Vote: Yeas 10, Nays 0.

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